

### **REMARKS**

In view of the amendments proposed above, Applicants respectfully request consideration of the following remarks.

#### **Rejections Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 1-12, 31-36, and 51-54 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner stated that is it “not clear what is performed” by the terms “discarding” and “whacking.” Office Action, at pg. 2. Applicants believe this rejection is now moot in view of the amendments proposed herein.

#### **Anticipation Rejections Under 35 U.S.C. § 102**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

#### **Anticipation Rejection Based on United States Patent 5,966,544 to Sager**

Claims 1-12, 27-36, and 51-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 5,966,544 to Sager (hereinafter “Sager”). Applicants

have canceled claims 1-4, 11, 27-30, and 54 herein, but respectfully traverse this rejection with respect to the remaining claims, as set forth below.

Claim 5, as amended, recites:

5. A method comprising:  
determining a criticality of a next-in-line  $\mu$ OP of a front-door stream, the front-door stream including  $\mu$ OPs received from a scheduler and a replay loop;  
if the next-in-line front-door  $\mu$ OP is not critical, placing the next-in-line front-door  $\mu$ OP into the replay loop and placing a next-in-line  $\mu$ OP of a side-door stream into an execution stream; and  
if the next-in-line front-door  $\mu$ OP is critical, placing the next-in-line front-door  $\mu$ OP into the execution stream and holding the next-in-line side-door  $\mu$ OP.

Each of the remaining independent claims has been amended to recite some limitations similar to those recited in independent claim 5.

Sager does not disclose determining the criticality of a  $\mu$ OP of a front-door stream and then selecting a  $\mu$ OP – from either the front-door stream or a side-door stream – for execution based upon this determination. Rather, Sager discloses that side-door  $\mu$ OPs are given priority over  $\mu$ OPs from the front-door stream. See Column 10, Lines 7-25 and 56-59. No method or system for determining a relative priority between a  $\mu$ OP in the front-door stream and a  $\mu$ OP in the side-door stream is disclosed in Sager.

As Sager fails to disclose at least the above-noted limitations of each of independent claims 5, 8, 31, and 51, each of these claims is novel in view of this reference. Also, claims 6, 7, 9, 10, 12, 32-36, 52, and 53 are allowable as depending from their respective independent claims.

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**CONCLUSION**

Applicants submit that claims 5-10, 12, 31-36, 51-53, and 60-62 are in condition for allowance and respectfully request allowance of such claims.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

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